UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 MAY 28 FILED CLERK U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Jesus CRUZ-Cruz,** Defendant	)	Magistrate Docket No. '08 MJ 1682 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **May 26, 2008** within the Southern District of California, defendant, **Jesus CRUZ-Cruz,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28TH DAY OF MAY, 2008

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jesus CRUZ-Cruz

PROBABLE CAUSE STATEMENT

On May 26, 2008 Border Patrol Agent C. Mayer was performing line watch duties in an area known as "91X." This area is approximately five miles west of the San Ysidro, California Port of Entry and approximately 50 yards north of the United / Mexico International Boundary.

At approximately 7:30 p.m. Agent Mayer responded to a sensor activation and observed two individuals attempt to run into some bushes and attempted to conceal themselves. Agent Mayer ordered the individuals to come out of the bushes, identified herself as a United States Border Patrol Agent, and performed an immigration inspection. Both individuals, including one later identified as the defendant **Jesus CRUZ-Cruz**, admitted to being citizens and nationals of Mexico without any immigration documents that would allow them to enter or remain in the United States legally. Both individuals were placed under arrest and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **May 09, 2008** through **San Ysidro, Califfornia.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and stated that he understood them and was willing to give a statement without the presence of an attorney. The defendant admitted to being a citizen of Mexico without any immigration documents allowing him to enter or remain in the United States. He further admitted to having been previously deported and that he has never applied for permission to re-enter the United States prior to his entry. He stated his intended destination was Florida.